

FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
JUNE 2, 2009

**CALL TO
ORDER**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were Scott Hollinger, Mark Hash, and Gina Klempel. Tony Sagami and Craig Wagner had excused absences. Bailey Iott, Allison Mouch, and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 8 people in the audience.

**APPROVAL OF
MINUTES**

Hollinger motioned and Klempel seconded to approve the May 5, 2009 minutes. The motion passed unanimously.

**PUBLIC
COMMENT**
*(not related to
agenda items)*

None.

**ELECTION OF
OFFICERS**

Hash made a motion seconded by Klempel to keep the same officers as the previous year. (Hollinger, Chairman/Sagami, Vice-Chair)

The motion passed unanimously.

**BIGFORK
PLAYHOUSE**
(FCU 09-01)

A request by Brach Thomson and the Bigfork Playhouse Children's Theater, for a Conditional Use Permit for a community center building operated by a non-profit agency within the Bigfork, R-1(Suburban Residential) Zoning District. The property is located at 833 Grand Drive, east of Montana Highway 35 at the corner of Grand Drive and Terrace Hill Road.

STAFF REPORT

Bailey Iott reviewed Staff Report FCU 09-01 for the Board.

**BOARD
QUESTIONS**

Hollinger asked about BLUAC's proposed condition #15 which concerned Americans with Disabilities Act (ADA) certification. It seemed burdensome in his opinion because nobody knew if it was required.

Iott said the structure was pre-existing and other structures in the area may not be held to the same standard. Retrofitting the building may not be cost effective and there were difficulties in discerning who regulated the requirements.

**APPLICANT
PRESENTATION**

Cathy Gaiser, P O Box 124, Bigfork, represented the applicant. She stated he was aware of all the conditions and variances and was willing to comply with them. She felt it would be a great asset to the area.

**BOARD
QUESTIONS**

Hollinger asked if she was aware of the condition which regarded parking.

Geiser replied yes.

Hollinger asked if they had an architect who worked on the project.

Geiser said Mike Ward was the architect.

Hollinger assumed Ward would be aware of the ADA regulations and said he should be able to suggest what needed to be done to comply with ADA regulations.

Klempel asked if they were working with the Bigfork Water and Sewer Department.

She stated yes they were and everything seemed to be in order.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

Iott said the applicant had verbal confirmation in regards to the parking plan with the bank. She added the condition which concerned the parking plan to the report so it was in written form as well. The bank stated they could park in the spaces after five.

**BOARD
DISCUSSION**

Hollinger asked about the variance stated in the report on finding #6 regarding road barriers which would be required from the board.

Iott stated the applicant would need to come back to the Board for the variances.

Klempel stated she did not see any fire exits or hours of operation noted.

The board, applicant and staff discussed at length what hours of operation would be appropriate and acceptable and where the fire exits were.

MAIN MOTION

Hash made a motion seconded by Klempel to adopt Staff Report FCU 09-01 as findings-of-fact with the added condition #15, hours of operation being Monday through Sunday, 7:00 a.m. until 9:00 p.m. and to approve the Conditional Use Permit.

**ROLL CALL TO
APPROVE
STAFF REPORT
FCU 09-01**

On a roll call vote the motion passed unanimously.

**WEST VALLEY
FIRE
DEPARTMENT
(FCU 09-02)**

A request by David Meredith Architecture on behalf of the West Valley Volunteer Fire and Rescue Department, for a Conditional Use Permit to construct a new fire station in the West Valley Zoning District. The proposed fire station would be located on the corner of Farm-to-Market Road and Pine Cone Lane, (4180 Farm-to Market Road), and would have direct access onto both roads. In this instance the fire station is considered a major public utility installation because its service area will extend beyond the West Valley Neighborhood Plan area.

STAFF REPORT

Allison Mouch reviewed FCU 09-02 for the board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Rodney Dresbach, 2490 Farm to Market Road, Chief of West Valley Fire and Rescue, stated they were building with an eye toward accommodating the growth in the valley. The West Valley Fire District was approximately three times the size of their zoning district. The building being proposed was the same footprint of their existing station. If, in the future, they needed to staff the station full time, they could staff it 24 hours a day, 7 days a week to cover the north end of the district more efficiently. They were trying to be progressive and cover the area they were responsible for better. He asked for the Board's support.

Myron Bolan, 1524 3 Mile Drive, Chairman of the West Valley Fire District, explained how the fire truck traffic needed to flow

through their lot and spoke about the size of the fire trucks and explained the water tankers. It was very important they obtain the approaches needed and were able to follow a circular pattern with their vehicles around the lot for efficiency. They would have backup generators at the station and in the event of a disaster; the fire station would function as a disaster center as well.

**BOARD
QUESTIONS**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

Mouch said when they reviewed the parking area and the circulation pattern of the use, they found it did conflict with the growth policy in the fact it added a direct access to an arterial road which was Farm to Market Road. However, the County Road and Bridge Department did not have an issue with the direct access. It would now be up to the state as far as what type of requirements of that access were required if it were to be approved. At this point, staff did not have an issue with the access.

**APPLICANT
REBUTTAL**

Bolan said when the fire department first received the initial report from the planning office, it made their blood boil because there were so many restrictions, the trucks were not able to get into the property and turn around and be even remotely efficient. The constrictions had been relaxed by the time the department received the final report. As far as landscaping was concerned, he felt there was no use paying a landscaper to mow the lawn if they had a neighbor who was willing to hay the area for free. If the neighbor decided to sell, then they would consider landscaping the area.

**BOARD
DISCUSSION**

None.

**MOTION TO
RECOMMEND
APPROVAL**

Klempel made a motion seconded by Hash to adopt Staff Report FCU 09-02 as findings of fact, strike conditions 9 and 12 and grant approval of the Conditional Use Permit.

**ROLL CALL
TO
RECOMMEND
APPROVAL OF
FCU 09-02**

On a roll call vote the motion passed unanimously.

**COMMITTEE
REPORTS**

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at approximately 6:45 pm. on a motion by Hollinger. The next meeting will be held at 6:00 p.m. on July 7, 2009.

Scott Hollinger, President

Donna Valade, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 7/7/09